# $\frac{-}{}$ de maximis, inc.

186 Center Street Suite 290 Clinton, NJ 08809 (908) 735-9315 (908) 735-2132 FAX

June 15, 2007

**VIA ELECTRONIC & US MAIL** 

Ms. Alice Yeh
ATTN: Lower Passaic River Remedial Project Manager
Emergency and Remedial Response Division
U.S. EPA, Region 2
290 Broadway, 19th Floor
New York, New York 10007

Re: Monthly Progress Report No. 1 – May 2007 Lower Passaic River Study Area (LPRSA) Remedial Investigation/ Feasibility Study (RI/FS) CERCLA Docket No. 02-2007-2009

Dear Ms. Yeh:

de maximis, inc. is submitting this Monthly Progress Report for the above-captioned project on the behalf of the RI/FS Agreement Settling Parties (Cooperative Parties Group or CPG) pursuant to the Administrative Settlement Agreement and Order on Consent (Settlement Agreement or AOC). The Progress Report satisfies the reporting requirements of Paragraph 42 of said Settlement Agreement.

(a) Actions which have been taken to comply with this Settlement Agreement during the previous month.

#### Meetings/Conference Calls

- On Tuesday, May 15, 2007, R. Kennedy and D. Boye of ENSR representing the CPG and J. McCann and L. Warner of Malcolm Pirnie, Inc. (MPI) representing EPA held a conference call to discuss sediment sampling and analytical protocols.
- On May 30, 2007, R. Law of de maximis, K. Carbonneau of ENSR and W. Porter (representing the CPG) met with EPA representatives A. Yeh and R. Basso to discuss the questions/clarifications of AOC/SOW, proposed 2007 Field Work UFP-QAPPs and Work Plan update approach, Project Schedule deliverable format, Modeling Program deliverables update, Critical Data Needs status, NRDA/WRDA Program involvement, and the distribution/format of the Focused Feasibility Study.

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#### Correspondence

- EPA was notified of the identification of the Project Coordinator (de maximis, inc.) on May 14, 2007 pursuant to Paragraph 33 of the AOC.
- EPA was provided the names, titles, and qualifications of personnel (ENSR) to be used in carrying out the RI/FS on May 23, 2007 pursuant to Paragraph 32 of the AOC.
- EPA was provided a Quality Management for ENSR complying with the Uniform Federal Policy for Implementing Quality Systems (UFP-QS) (March 2005) on May 23, 2007 pursuant to Paragraph 32 of the AOC.

### (b) Results of Sampling and Tests

No sampling activities were conducted during this period; therefore, no results are available. Processing of the LPRSA aerial photography task approved by the EPA in March 2007 has progressed; ENSR received a preliminary package of ortho-photos during the reporting month and is reviewing them.

## (c) Work planned for the next two months with schedules relating to the overall project schedule for RI/FS completion

A project schedule deliverable required pursuant to Paragraph 37 is being finalized for submission to EPA by June 7, 2007.

The following draft documents representing proposed 2007 field work tasks are being completed for submission during this period:

- Bathymetry Survey Plan
- Sediment Grab Sampling Plan
- Habitat Identification Survey UFP QAPP
- Fish Community Survey UFP QAPP
- Reference/Urban Background Survey UFP QAPP
- Fish/Crayfish Tissue Sampling UFP QAPP

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(d) Problems encountered and anticipated problems, actual or anticipated delays, and solutions developed and implemented to address actual or anticipated problems or delays.

CPG is not in receipt of the Modeling Deliverables that were to be provided pursuant to Appendix E (Modeling Data Needs) of the Settlement Agreement on or about April 30, 2007. EPA informed CPG of the delay on May 4, 2007. CPG understands that EPA intends to provide the modeling deliverables on or about June 15, 2007. The modeling deliverables are required no later than the third quarter of calendar year 2007 so as not to adversely impact the LPRSA RI/FS schedule.

If you have any questions, please contact me or Rob Law at (908) 735-9315.

Very truly yours,

de maximis, inc.

Willard F. Potter

**Project Coordinator** 

Sarah Flanagan, EPA Office of Regional Counsel CC:

William Hyatt, CPG Coordinating Counsel

Megan Grubb, USACE Lisa Baron, NJDOT Tim Kubiak, USFWS Reyhan Mehran, NOAA Janine MacGregor, NJDEP Kristine Carbonneau, ENSR